

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "ZONING", SECTION 7.21.D, "REQUIREMENTS FOR DEDICATION/DEVELOPMENT OF DRAINAGE AND PEDESTRIAN ACCESS WAYS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND AN PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "ZONING", Section 7.21.D, "REQUIREMENTS FOR DEDICATION/DEVELOPMENT OF DRAINAGE AND PEDESTRIAN ACCESS WAYS", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" and its attachments, attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 27th day of September 2001.

APPROVED:

LYNN McILHANEY, Mayor

ATTEST:

Connie Hooks, City Secretary

APPROVED:

City Attorney, Harvey Cargill

EXHIBIT "A"

That Chapter 12, "Zoning", Section 7.21.D, "REQUIREMENTS FOR DEDICATION / DEVELOPMENT OF DRAINAGE AND PEDESTRIAN ACCESS WAYS", of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

D. REQUIREMENTS FOR DEDICATION/DEVELOPMENT OF DRAINAGE AND PEDESTRIAN ACCESS WAYS

Except for minimum reservation areas dedicated or developed in accordance with the Wolf Pen Creek Master Plan, the flood fringe area may be reclaimed upon approval of reclamation plans by the City Engineer.

The Upstream Phase of the Development Corridor along Wolf Pen Creek means the area between Texas Avenue and Dartmouth Drive. The area to be dedicated or developed consists of the floodway and the minimum reservation line as defined in the Wolf Pen Creek Master Plan and shall be referred to as the minimum reservation area.

The Downstream Phase of the Development Corridor along Wolf Pen Creek means the area between Dartmouth Drive and the Earl Rudder Freeway. The area to be dedicated or developed consists of property described in Attachments 1 through 7 and shall be referred to as the minimum reservation area.

Where applicable, the floodway and the minimum reservation line for the Upstream Phase of the Development Corridor and/or the minimum reservation area for the Downstream Development Phase shall be indicated on the site plan.

Upon development of the property within the Wolf Pen Creek zoning district, the minimum reservation area may be:

- (1) dedicated in fee simple or as a drainage and access easement or
- (2) improved by the developer to conform with the standards of the Development Corridor

Property within the minimum reservation area will:

Provide drainage capacity necessary to convey the floodwaters of Wolf Pen Creek while accommodating the increased runoff from development of properties along the creek;

Provide an area to accommodate pedestrian access from, to and between developments along the banks of Wolf Pen Creek to lessen congestion along adjacent roadways for patrons of businesses along the corridor;

Provide an area as necessary to address and prevent erosion of creek banks resulting from development both along the Creek in the Development Corridor as well as from floodwaters received from upstream of the Development Corridor;

and,

Provide access for drainage and facilities maintenance as necessary to support private development within the Development Corridor,

All development shall be in accordance with the Wolf Pen Creek Corridor Study and Master Plan (1988), the Revised Wolf Pen Creek Master Plan (1998) and the "Conceptual Plan, Trail System" prepared by Robert B. Ruth, dated 2-25-01.

Permitted private development within the minimum reservation area where dedication is not made, may include, but is not limited to:

Cleaning and removal of brush and bank stabilization;

Erosion control;

No extensive channel work;

Pedestrian walkways, lighting and access easements;

Preservation of the natural setting of the creek.

Cross sections as shown in the original Wolf Pen Creek Master Plan shall be used in designing improvements unless otherwise approved by the P&Z.

All plans for the improvement of this area shall be considered by the Planning & Zoning Commission upon recommendation of the Design Review Board in accordance with Chapter 12, Section 7.21.C of the College Station Code of Ordinances.

The developer or property owner may submit any improvements to the City for dedication. Upon acceptance the City will maintain those facilities to the same standards as other public development along the creek.